

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Allegation of possession of disproportionate assets and violation of APCS (Conduct) Rules against Sri A. Umapathi, formerly Commercial Tax Officer, Intelligence, Kakinada and retired Assistant Commissioner, CT - Charge sheeted in a court of law - Acquitted - Further action dropped in the entire case - Regularisation of suspension period - Orders - Issued

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 1156

Dated:24-09-2011.

Read the following:-

1. From the DG, ACB, Letter No. 121/RCA-VGT/87, Dated:19.11.1987.
2. G.O.Rt.No.1572, Revenue (CT.I) Deptt., Dt: 30.11.1987.
3. From the DG, ACB, Letter No.121/RCA-VGT/87, Dated 8.10.1990.
4. G.O.Ms.No.352, Revenue (CT.I) Dept., Dt: 28.3.1992.
5. Memo No. 5126/CT.I/87-16, Revenue (CT.I) Dept, Dt: 28.3.1992.
6. From the DG, ACB, Letter No. 121/RCA-VGT/87, Dated -7.1992.
7. G.O.Rt.No.1789, Revenue (CT.I) Dept., Dt:24.11.1992.
8. G.O.Rt.No.980, Revenue (CT.I) Dept., DT: 30.6.1992.
9. G.O.Rt.No.1247, Revenue (CT. I) Department, Dated 28.8.1993.
10. G.O.Rt.No.1342, Revenue (CT.I) Department, Dt: 14.9.1993.
11. G.O.Rt.No.1531, Revenue (CT.I) Department, Dated 7.12.1995.
12. Judgment of Spl. Judge for SPE & ACB Cases, Vijayawada dated 31.5.2005 in C.C.No. 16 of 1992.
13. Letter from the Deputy Commissioner, CT, Vijayawada Rc. No. A1/2398/92, Dated 18.10.1994.
14. Govt. Memo No. 40275/Vig. I(1)/1998-8, Dated 14.6.2006 of Revenue (Vig. I) Deptt.,.
15. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. D2/1738/2005, Dated -6-2011 along with copy of letter of No. D2/1738/2005, Dt: 29.7.2008 of the O/o the C.C.T.
.o0o.

O R D E R:

On the allegation of acquisition of assets disproportionate to the known sources of income against Sri A. Umapathi, Commercial Tax Officer, Intelligence, Kakinada, E.G. District, the appropriate investigating agency ie., Anti-Corruption Bureau, has registered a case in Crime No.10/ACB-VJA/87 on 27.10.1987, conducted searches and furnished report vide reference 1st read above, informing about the disproportionate assets acquired by the individual and recommended to place the Accused Officer under suspension. Accordingly, Sri A. Umapathi, Commercial Tax Officer (Intelligence) Kakinada was placed under suspension vide reference 2nd read above. Aggrieved by his suspension, Sri A. Umapathi, Commercial Tax Officer has filed Representation Petition No.7049/1987 before the A.P. Administrative Tribunal. The A.P. Administrative Tribunal in its orders dated 7.12.1987 in the above Representation Petition, have suspended the orders of suspension of the applicant.

P.T.O.,

2. In the reference 3rd read above, the Director General, Anti-Corruption Bureau, Hyderabad, has furnished final report and Government accorded sanction for prosecution of Sri A. Umapathi, Assistant Commissioner, CT., in a court of law, vide reference 4th read above as recommended by the Director General, Anti-Corruption Bureau. The Commissioner, C.T, AP, Hyderabad was also requested to initiate departmental action against the individual for violation of conduct rules vide reference 5th read above, as the individual failed to obtain prior permission from the competent authority at the time of disposal of the lands held in the name of his wife, as recommended by the Director General, Anti-Corruption Bureau in his final report.

3. In the reference 6th read above, the Director General, Anti-Corruption Bureau has informed that charge sheet was filed on 1.6.1992 in the court of Principal Special Judge for SPE & ACB Cases, Hyderabad. Hence, Sri A. Umapathi, Assistant Commissioner, C.T was placed under suspension vide reference 7th read above. In the reference 8th read above, Government have also appointed the Deputy Commissioner, CT, Vijayawada Division as Enquiry Officer to conduct a detailed enquiry into the violation of conduct rules against the individual. Sri A. Umapathi, Assistant Commissioner, CT., has filed O.A.No. 7083/1992 before the A.P. Administrative Tribunal aggrieved by his suspension orders in the reference 7th read above. The A.P. Administrative Tribunal in its orders dt: 24.12.1992 have suspended the orders of suspension and directed the respondents to reinstate the applicant into service. Accordingly, the suspension of Sri A.Umapathi, Assistant Commissioner, CT., was revoked vide reference 9th read above and in the reference 10th read above, he was posted as Assistant Commissioner, CT (Audit), Nalgonda. The individual assumed charge as Assistant Commissioner, CT (Audit), Nalgonda on 18.9.1993. Thus, the individual was continued under suspension in two spells ie., in the cadre of Commercial Tax Officer from November, 1987 to December, 1987 (1st spell) and in the cadre of Assistant Commissioner, CT., from 24.11.1992 to 17.9.1993 (2nd spell) in the case. He retired from service on attaining the age of superannuation on 30.10.1994 and he was sanctioned provisional pension, vide reference 11th read above.

4. In the reference 12th read above, the Principal Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment and acquitted Sri A. Umpathi, former Commercial Tax Officer and retired Assistant Commissioner, CT. In the reference 13th read above, the Enquiry Officer has also furnished inquiry report conducted against the individual on the violation of conduct rules. The Enquiry Officer in his inquiry report has held that the charges against the Charged Officer are not substantiated and proved. After examination of the matter, Government dropped all further action against Sri A. Umpathi, former Commercial Tax Officer and retired Assistant Commissioner, CT., vide reference 14th read above.

Contd..at P.3.,

5. In the reference 15th read above, the Commissioner of Commercial Taxes, AP, Hyderabad has stated that Sri A. Umapathi, Assistant Commissioner, CT (Retd.) filed a representation before the A.P. State Human Rights Commission for regularisation of his suspension periods as on duty and that the Commission has taken up the case as H.R. Case No. 1146 of 2011 and posted the case on 11.10.2011. The Commissioner of Commercial Taxes, AP, Hyderabad has stated that he had regularised the 1st spell of suspension period of individual from 20.11.1987 to 8.12.1987 as on duty for all purposes vide his proceedings dated 29.7.2008 and requested to regularise the 2nd spell of suspension period of the individual in the cadre of Assistant Commissioner, CT.

6. Government, after careful examination of the matter, hereby treat the period of suspension from 24.11.1992 to 17.9.1993 in respect of Sri A. Umapathi, Assistant Commissioner, CT (Retired) as "on duty" for all purposes, under FR 54-B since the suspension is considered as not wholly justified.

7. The Commissioner, Commercial Taxes, AP, Hyderabad shall take necessary action to draw and disburse the arrears, if any, to the individual for the above said period immediately and to send compliance report. He is also advised to report the action taken to the A.P. State Human Rights Commission, where the case stands posted on 11.10.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Commercial Taxes, A.P, Hyderabad.

Sri A. Umapathi, Assistant Commissioner, CT (Retd.)

H.No.5-51-27, Brodipet, 5/17, Guntur

through the Commissioner of Commercial Taxes, A.P, Hyderabad.

Copy to:

The Secretary, A.P. State Human Rights Commission, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to VC, A.P. Vigilance Commission, Hyderabad.

The Secretary, A.P. State Human Rights Commission, Gruhakalpa Complex, M.J.Road, Hyderabad (w.r.t H.R. Case No. 1146 of 2011).

PS to Principal Secretary to Government, Revenue Department.

Revenue (CT-I) Department

SF

//Forwarded :: By Order //

SECTION OFFICER.